

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 7, 2008

EXECUTIVE SESSION HELD IN THE EXECUTIVE CONFERENCE ROOM AT 6:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors T. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett and Deputy City Clerk Kelly J. Mercier.

Excused/Absent: Councilor N. Peters.

The City Council meeting was called to order by Mayor Gilbert at 6:02 pm in a public session.

VOTE (244)

Motion by Councilor T. Peters, seconded by Councilor Poulin:

To enter into an executive session, pursuant to MRSA Title 1, section 405(6), to discuss Real Estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 6-0

Executive Session began at 6:03 pm and ended at 7:12 pm.

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors T. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett and Deputy City Clerk Kelly J. Mercier

Excused/Absent: Councilor N. Peters

Pledge of Allegiance to the Flag.

Moment of Silence.

PRESENTATION TO THE WINNER OF THE DOWNTOWN BEAUTIFICATION LOGO CONTEST

Mayor Gilbert and Councilors Denis Theriault and Tina Bailey presented Athena Andoniades, the winner of the Downtown Beautification Logo contest, with a Certificate of Thanks for utilizing her artistic abilities to create the winning logo. They then presented her with a \$100 gift certificate to Staples courtesy of Dragonfly Records.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Luke Jensen, the newly elected chair of the LYAC, mentioned that the following were also elected to office for the 2008-2009 year - Athena Andonaides will serve as Vice Chair, Travis Laliberte will serve as Treasurer, and Holly Lavorgna will serve as Secretary. He highlighted some of the items that were discussed at their last meeting. LYAC and the school department has finalized a message board policy and are now receiving requests for use of the board. They have been working on a script for a five minute informational video on recycling and beautification. On October 29 the youth council will be meeting with Friends Forever which is a non-profit organization indorsed by former U.S. Senator George Mitchell that brings youth from Northern Ireland to the United States to encourage interaction with other youth. On December 3 at the Twin Cities Holiday Celebration LYAC members will be manning an art station for children at the Lewiston Library. Fairpoint Communications has offered up to \$1000 for youth council members to attend the Maine Youth Action Network Conference held in Bar Harbor on November 14 & 15. At this time Councilor Theriault wanted to present to the council the possibility of placing a youth member on the City Council during meetings probably on a rotating basis so they could have a taste of what this is like. He indicated he would bring this to the council at a later date for them to entertain and explore.

VOTE (245-2008)

Motion by Councilor Theriault, seconded by Councilor Poulin:

To dispense with the reading of the minutes of the meeting of September 9, 2008 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

Councilor Poulin indicated one amendment to the September 16 meeting minutes which the Deputy City Clerk will incorporate into the minutes.

VOTE (246-2008)

Motion by Councilor Theriault, seconded by Councilor Poulin:

To dispense with the reading of the minutes of the meeting of September 16, 2008 and to accept and place them on file, as amended. Passed - Vote 5-0-1 (Councilor Reed abstained)

VOTE (247-2008)

Motion by Councilor Theriault, seconded by Councilor Dube:

To dispense with the reading of the minutes of the meeting of September 30, 2008 and to accept and place them on file as prepared by the Deputy City Clerk. Passed - Vote 5-0-1 (Councilor Reed abstained)

**APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY
BOARD OF COMMISSIONERS**

VOTE (248-2008)

Motion by Councilor Reed, seconded by Councilor T. Peters:

To confirm the Mayor's nomination of Randolph Hord of 77 Rideout Avenue and to appoint Mr. Hord as a tenant representative member of the Board of Commissioners of the Lewiston Housing Authority for a five year term, said term to expire October 7, 2013. Passed - Vote 6-0

**RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR OF VOTERS ON
ACTIONS NECESSARY TO CONDUCT THE GENERAL/REFERENDUM ELECTION**

VOTE (249-2008)

Motion by Councilor Reed, seconded by Councilor T. Peters:

To approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the General/Referendum Election to be held on Tuesday, November 4, 2008:

A. That the hours for acceptance of registrations in person only, prior to the November 4th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, October 15 through November 3, 2008; and additional hours of 9:00am to 12 noon on Saturday, October 25, 2008, and Saturday, November 1, 2008.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec. 759(7), absentee ballots will be processed at the central polling place at 7:00 am, 2:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 6-0

**APPOINTMENT OF VOTING DELEGATE TO THE MAINE MUNICIPAL
ASSOCIATION ANNUAL MEETING**

VOTE (250-2008)

Motion by Councilor Reed, seconded by Councilor T. Peters:

To appoint Chief Assessor Joseph Grube to serve as the City's delegate to the Maine Municipal Association Annual Meeting to be held on October 9, 2008, and to appoint City Administrator James A. Bennett to serves as the alternate delegate. Passed - Vote 6-0

ADOPTION OF MEETING SCHEDULE FOR THE MONTH OF NOVEMBER

VOTE (251-2008)

Motion by Councilor Reed, seconded by Councilor T. Peters:

To suspend Section 1,(a) of the Rules Governing the City Council and to hold one regular meeting during the month of November to be held on Tuesday, November 18th.

Passed - Vote 6-0

**PUBLIC HEARING AND FIRST & FINAL PASSAGE FOR A MORATORIUM
ORDINANCE REGARDING USES PERMITTED IN THE CENTREVILLE, MILL AND
RIVERFRONT ZONING DISTRICTS**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Charles Soule of 170 Bartlett Street asked several question concerning development in the effected areas. City Planner David Hediger and Councilor T. Peters explained that the moratorium prohibits a specific range of development. Councilor T. Peters further explained that if someone were to come along and have a dynamic idea about what to do with the Bates Mill #5 the council has the ability to lift the moratorium if it so chooses. He said this just gives the Council a chance to take a breathe and take a look at the whole area. Councilor T. Peters explained that this gives the city time to come up with a vision for where they want the area to go and is just a holding pattern for right now. Mayor Gilbert then closed the hearing.

At this time Councilor Poulin suggested that the length of the moratorium be shortened from 180 days to 90 days. Councilors were in agreement with the amendment.

Councilor Reed said he didn't think the moratorium made sense because we are in the middle of an economic turndown and that new business should be encouraged.

VOTE (252-2008)

Motion by Councilor T. Peters, seconded by Councilor Dube:

That the proposed moratorium ordinance regarding uses permitted in the Centreville, Mill and Riverfront Zoning Districts, to be effective October 7, 2008, as amended, receive first passage by a roll call vote. Passed - Vote 5-1 (Councilor Reed opposed)

VOTE (253-2008)

Motion by Councilor T. Peters, seconded by Councilor Bailey:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 5-1 (Councilor Reed opposed)

VOTE (254-2008)

Motion by Councilor T. Peters, seconded by Councilor Poulin:

That the proposed moratorium ordinance regarding uses permitted in the Centreville, Mill and Riverfront Zoning Districts, to be effective October 7, 2008, receive final passage by a roll call vote. Passed - Vote 5-1 (Councilor Reed opposed)

GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR TO SCHEMENGEEES

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Kathy Lebel co-owner of Schemengees was present and answered a question about sound amplification and the proximity of the neighbors to the establishment.

VOTE (255-2008)

Motion by Councilor Theriault, seconded by Councilor Reed:

To grant a Special Amusement Permit for Live Entertainment to Schemengees, 551 Lincoln Street. Passed - Vote 6-0

PUBLIC HEARING REGARDING THE ISSUANCE OF A SPECIAL AMUSEMENT PERMIT FOR FRIENDS LODGE

Mayor Gilbert opened the public hearing to receive citizen input and comment. Eileen Knight, the bar manager of the establishment, was present. Councilor T. Peters asked questions concerning the type of live entertainment that they allow. Ms. Knight responded that they have bands, a DJ, and Karaoke. When specifically asked if they had dancers she said no. Councilor T. Peters continued with questions about their non-profit status and what percentage of their gross income they donate. Ms. Knight listed several organizations that they have donated to but did not know the percentage of gross income that was donated. He then asked if they have ever been cited by Maine State Liquor Enforcement. Ms. Knight indicated that there had been none at this time.

Councilor Dube asked how the business determines how much they donate. Ms. Knight indicated that they did not have a formula set up and would just determine by how much money was taken in and what is left after paying the bills.

Councilor T. Peters asked if the business only serves to members and Ms. Knight answered that they only serve to members and their guests. He then asked again if the business had been cited by the State Liquor about serving non-members. Ms. Knight said that Larry Sanborn from State Liquor Enforcement had visited the establishment concerning a non-member being served but she had not received any follow up paper work that he had indicated she would.

Councilor Theriault asked City Administrator James Bennett if the police department checks to see if there are any State violations or anything pending when they conduct their review. Mr. Bennett stated that he could not answer that question but would check with the police department.

Councilor T. Peters proceeded to ask Ms. Knight if “Bodies in Motion” ever performed at the establishment. She answered that they had just performed that Friday night. Councilor T. Peters then wanted clarification as to what they were doing there because previously she indicated that they did not allow dancers. Ms. Knight admitted that they were dancing at the establishment on Friday night.

Joseph Roy of 9 Venise Avenue stated that he was concerned the application for live entertainment might be denied for the wrong reasons. He did not approve of the line of questioning of the applicant.

Councilor Reed asked Jim Bennett if the establishment was previously licensed to allow that type of dancing. Mr. Bennett indicated that if he understood what “Bodies in Motion” is it would be a violation of a different part of the City Code as it references nudity for profit in a commercial licensed location. He also indicated that the issue will be immediately referred to the police department tomorrow.

Councilors Theriault and T. Peters explained that the reasoning behind the questions was to obtain truthful answers about activities that were occurring in the city. Mayor Gilbert then closed the hearing.

VOTE (256-2008)

Motion by Councilor Theriault, seconded by Councilor Reed:

To continue the public hearing regarding the issuance of a special amusement permit for Friends Lodge, 724 Main Street, to the next regular Council meeting. Passed - Vote 6-0

**RESOLUTION RESCINDING AUTHORIZATION FOR PETTINGILL
SCHOOL REPLACEMENT**

Councilor T. Peters wanted reassurance that the exact amount was correct so that they were not over cutting the bond and leaving the city short. City Administrator James Bennett confirmed that administration felt confident about the amount. Councilor Dube asked Mr. Bennett to explain a little bit about where the two million dollars comes from. Jim explained that the project originally came in at just under twenty two million dollars. The voters had to approve the project at the preconstruction thought of what the project would cost. Since then the design, bidding, and construction of the project has resulted in savings just under three million dollars.

VOTE (257-2008)

Motion by Councilor T. Peters, seconded by Councilor Theriault:

Be It Ordered that the Resolution of the Municipal Officers of the City of Lewiston, Maine, regarding rescinding \$2,964,134 of authorization to issue bonds for the replacement of the Pettingill School project, be adopted. Passed - Vote 6-0

**REQUEST FOR ADDITIONAL HOME FUNDING FOR BIRCH HILL ELDERLY
HOUSING ASSOCIATES AFFORDABLE SENIOR HOUSING**

City Administrator James Bennett explained that the city became pretty aggressive a couple of years ago in trying to replace some of its housing in the downtown area. It had one success with the old St. Dom's location with senior housing that has been built there. The other location the city looked at was along Birch Street. The city was allocating \$250,000 in HOME funds which are federal monies which are earmarked to this community for the purpose of helping the housing stock. The city has the availability to move the amount to \$350,000 and not have the money come from local dollars.

Marc McComas, Deputy Director of Economic and Community Development, gave a brief overview of the project. He explained that back in August of 2007 the City Council approved the sale of City-owned property at 279 Bates Street and 283 Bates Street for \$150,000 to the Developers Collaborative, for the purpose of developing an affordable senior housing facility. Primary financing for the \$4.5 million project is to come from the Low Income Housing Tax Credit (LIHTC) Program administered by MaineHousing. In order to ensure that the project could support affordable rents, the City requested, and MaineHousing approved, an Affordable Housing TIF to assist with operational costs on the project, and the City committed to provide \$250,000 in HOME funds.

Due to declining conditions in the credit market and unexpectedly high construction bids, the project was more than \$660,000 over budget. The City and the developer have worked to reduce that gap to only \$100,000. In order to close this remaining gap, the developer is requesting that the City provide up to \$100,000 in additional HOME subsidy for construction costs associated with the project.

Councilor T. Peters asked if the additional \$100,000 of HOME funds was not allocated for the project what would it be used for. Marc McComas indicated that the funds are used to help subsidize low income home buyers or home owner rehabilitation.

Councilor Reed asked if any additional city funds would be used to fund the gap for the project. Mr. McComas confirmed that there would not be any additional city funds used.

VOTE (258-2008)

Motion by Councilor T. Peters, seconded by Councilor Bailey:

To authorize the City Administrator to commit up to an additional \$100,000, with a funding cap of \$350,000, in HOME funds towards construction of Birch Hill Elderly Housing Associates Affordable Senior Housing. Passed - Vote 6-0

CHANGES TO RENT STRUCTURE FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) LOAN GUIDELINES

James Andrews, Director of Economic and Community Development and Mark McComas, Deputy Director of Economic and Community Development explained to the Council that due to dramatically rising fuel and other costs, many Lewiston multi-family property owners have begun raising rents to counter their operating shortfalls. The Lewiston Housing Authority recently received HUD approval for the use of "exception" rents for Lewiston that will increase the allowable Section 8 rents for the area up to 110% of FMRs. In order to avoid City programs

becoming uncompetitive due to excessively low rent limits, staff with the recommendation of the Loan Qualification Committee is proposing this request to the City Council.

The Mayor and Councilors inquired about the program, how this change would work, the limitations, and the guidelines followed.

VOTE (259-2008)

Motion by Councilor T. Peters, seconded by Councilor Theriault:

Approval of the use of the exception rents as proposed by the Lewiston Housing Authority (110% of FMR) for the City's CDBG program, effective October 1, 2008 and delegation of authority to the City's Loan Qualification Committee (LQC) to approve exception rents up to 120% (but not to exceed LHA's current limits) under the CDBG loan programs, as deemed appropriate. Passed - Vote 6-0

At this point, the Council took a five minute recess.

**DISBAND AND DISSOLVE THE JOINT LEWISTON/AUBURN DOWNTOWN
MASTER PLAN COMMITTEE**

Councilors discussed the future of the committee. The committee consisting of volunteers from both Auburn and Lewiston has met and determined it would take 18 months and a hired consultant to complete the planning policy for both cities. Councilors agreed it would take too long to complete.

Mayor Gilbert commented that he firmly believed the committee was a good idea and that he appointed the members from Lewiston to the committee. He did agree that if there was no support for the committee then the council should dissolve it.

Councilor T. Peters stated the cities don't have time to wait for master plans and committees. Both cities have different needs and must move forward now.

Councilor Theriault stated that city staff works with Auburn on a daily basis and can move much quicker than a committee can and if a cost savings can be found staff will find it.

Councilor Reed said he was skeptical of all efforts to combine services with Auburn and didn't think it would work. He also stated that Twin Cities really is the best name for us, from the outside we look like twins but from the inside we're very different.

Committee member Paul Robinson said he was sorry to see the councilors end the committee, but if there is no support for it they need to let it go.

VOTE (260-2008)

Motion by Councilor Theriault, seconded by Councilor Reed:

To disband and dissolve the Joint Lewiston/Auburn Downtown Master Plan Committee.
Passed - Vote 4-2 (Councilors Poulin and Dube opposed)

DISCUSSION REGARDING A LOCAL ELDERLY “CIRCUIT BREAKER” PROGRAM

City Administrator James Bennett briefed the council on the information gathered by staff in efforts to find a way to give Lewiston seniors additional property tax relief. A few years ago, the State passed a law that would allow a municipality to further the so-called circuit breaker program at the local level. However, components of the law make it difficult to implement. Staff has been wrestling with how to make this work within the parameters of the law. A new law recently passed does allow a community to provide up to \$750 of relief to a senior if they volunteer for the community. This too comes with issues such as workers compensation, liability issues and administrative oversight. Money for the discounts would have to come out of the city’s general fund, specifically property taxes. Councilors said they liked the idea and instructed Mr. Bennett to continue working on the program and bring back more details so it can be included in the budget discussions.

DISCUSSION ON THE PROPOSAL FOR A COMPREHENSIVE PLAN

City Administrator James Bennett, Director of Planning and Code Enforcement Gil Arsenault, City Planner David Hediger and Councilors discussed the possibility of preparing a new comprehensive plan. Everyone agreed that if it was going to be like previous comprehensive plans no one wanted to spend the money or time on it. They agreed it should have goals, visions, direction and consistency. Councilors instructed Mr. Bennett to flush it out a little more and come back with a suggestion on how he would like to proceed.

UPDATE ON THE POSSIBILITY OF EXTENDING THE CREDIT PORTION OF THE STORM WATER UTILITY TO RESIDENTIAL PROPERTY

Jim Bennett reminded the Council that staff is still working on the possibility of extending the credit portion of the storm water utility to residential property owners. Staff is trying to come up with a process that will not cause a significant administrative burden. He stated that staff will continue to look at this and come back with a concrete proposal with the goal to design the best system we can that doesn’t administratively cause problems so Council can decide to vote on the policy or not.

VOTE (261-2008)

Motion by Councilor Poulin, seconded by Councilor Dube:

To extend the end time of the meeting from 10:00pm to 10:30pm, if necessary.

Passed - Vote 5-1 (Councilor Reed opposed)

REPORTS AND UPDATES

Councilor Poulin reported that the School Committee had a meeting and discussed Pre-K. He also wanted to mention the Community Engagement at Bates College. A couple of people from Bates College explained how active Bates College is in the community and that they have a report that they give out. He was surprised to learn about the long term commitment in community involvement and service to the schools that Bates College has.

Councilor T. Peters informed the council that the Department of Transportation will be at Pettingill School on October 28 to do a presentation concerning changes on Russell Street. He also mentioned that he attended a meeting that was set up by the school department to determine what to do with the old Pettingill School. Various options were discussed. Councilor T. Peters asked Mr. Bennett to make a note of the increase in truck traffic on College Street and look into it.

Mayor Gilbert noted that there is a tour schedule for the new Geiger School on October 23.

Mr. Bennett reminded Council of the upcoming workshop scheduled for October 14 which will cover performance evaluations and heating issues.

Michael Dumais, chair of the Solid Waste Committee, mentioned that there will be a Solid Waste Public Forum on November 13 to discuss issues concerning spring clean up and recycling.

OTHER BUSINESS

Councilor Bailey mentioned that she wanted to make sure that there would be a shuttle service to provide rides to folks who had to go to the Multi-Purpose Center to vote. She was concerned that people from ward four who use to vote at the Hillview Community Building would not know how to find the Multi-Purpose Center. She indicated that she and Councilor Dube had received phone calls concerning the change in the voting location. Councilor Theriault said he had only received one email concerning the change. City Administrator James Bennett stated that he would gather the information concerning the cost of a shuttle and bring it back to the Council for a vote. Councilor T. Peters mentioned that voters also had the option to choose to vote by absentee ballot at city hall, request an absentee ballot be mailed to them or call any one of the political parties which will be offering rides to the polls on election day. The Mayor and Councilors reiterated the decision to move the polling location from the Hillview Community Building to the Multi-Purpose Center was one of safety for the children in the area of Hillview. It was mentioned that all 3200 registered voters were mailed a postcard notifying them of the change in location and information on how to request an absentee ballot.

Will Fessenden of Sabattus and Richard Grandmaison of Jean Street, Lewiston voiced their concerns about the change in voting location as well as the fact that there will be no in person absentee voting at city hall on Monday, November 3.

Walter Hill agreed that the Hillview area was congested but did not feel that moving the polling location to the Multi-Purpose Center was the right choice. He also thought that the timing of the move could have been better. He felt it should not have been done between the June Primary and the November General election.

Michel Lajoie of Old Greene Road agreed that the polling location needed to be moved. He also thanked the city for the individual mailing to the voters reminding them of the change in polling location.

Mayor Gilbert wanted to clarify for the public that the reason the Council voted to move the polling location at this time was because of the added traffic flow that would be created from the additional voters who will vote in this Presidential Election.

VOTE (262-2008)

Motion by Councilor , seconded by Councilor :

To adjourn at 10:30 P.M. Passed - Vote 6-0

A true record, Attest:

Kelly J. Mercier, CMC
Deputy City Clerk
Lewiston, Maine